

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 (831) 427-4863



# Th9a

Appeal Filed.....10/4/2001  
 49th day (waived).....11/22/2001  
 Substantial Issue Found.....2/6/2003  
 Staff.....S.Craig  
 Staff report.....4/17/2003  
 Hearing date.....5/8/2003

## REVISED STAFF REPORT: APPEAL DE NOVO HEARING

---

**Appeal number**.....**A-3-STC-01-099; West Cliff Drive Multiuse Path Widening**  
**Applicant**.....Department of Public Works; Attn: Mr. Tony Lau  
**Local Government**.....City of Santa Cruz  
**Local Decision**.....Approved with conditions (September 18, 2001)  
**Project Location**.....West Cliff Drive (Between Bay Street and Swanton Blvd.), Santa Cruz (Santa Cruz County)  
**Project Description**.....Widening of West Cliff Drive Multiuse Path from 8-12 feet to 14 feet between Bay Street and Swanton Blvd.  
**File Documents**.....City of Santa Cruz Certified Local Coastal Program (LCP); City of Santa Cruz Coastal Development Permit Application File 00-097; Geologic Review (8/27/01) Nolan, Zinn, and Associates  
**Staff Recommendation**...**Approval with Conditions**

---

### Synopsis of the staff recommendation:

The proposed project would widen the existing 8-to-12-foot wide multiuse path along the south side of West Cliff Drive between Bay Street and Swanton Boulevard for a total distance of approximately 13,500 linear feet (about 2.5 miles). The path would be widened to 14 feet for the majority of its length by extending the path into the existing road right of way, thus reducing the width of West Cliff Drive.

At the February 6, 2003 meeting in San Diego, the Commission determined that a substantial issue existed with respect to the grounds on which the appeal was filed. The Appellants raised a variety of contentions, which were addressed in the substantial issue staff report. This *de novo* report includes analysis of a variety of potential impacts of the project on biological resources, landscaping, water quality and erosion (due to construction), public access, recreation, and safety, as well as the lack of a West Cliff Drive integrated management plan, the development of which was required in a previous permit issued to the City by the Commission.



**California Coastal Commission**  
**May 2003 Meeting in Monterey**

# Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 2

Staff recommends that the Commission approve the proposed development subject to a number of conditions in order to find the project consistent with the LCP and Coastal Act. These conditions include the following requirements:

- Submission of a West Cliff Drive Integrated Management Plan as part of the City's General Plan/LCP update or independently as an LCP amendment, by January 2007;
- Submission of a West Cliff Drive shoreline erosion management strategy;
- Prohibition of traffic detours down Pelton Avenue between October 15<sup>th</sup> and February 28<sup>th</sup>, to protect overwintering monarch butterflies;
- Submission of a landscaping plan that includes noninvasive, drought-tolerant plants for all landscaped strips/islands impacted by the path widening;
- Surveys for pigeon guillemots and black swifts prior to construction of each section of the path widening, with appropriate construction setbacks if the surveys determine the presence of nesting birds;
- Submission of a West Cliff Drive street-side parking plan.

As conditioned, the project will be consistent with the Coastal Act and the City of Santa Cruz LCP. Therefore, Staff recommends approval.

## STAFF REPORT CONTENTS

1. Project Procedural History .....	3
2. Staff Recommendation on Coastal Development Permit.....	3
3. Conditions of Approval .....	4
4. Recommended Findings and Declarations .....	6
A. Project Location.....	6
B. Project Description .....	6
C. City Approval.....	7
5. Coastal Development Permit Determination.....	7
A. West Cliff Drive Management Plan .....	7
B. Hazards .....	9
C. Biological Resources .....	11
D. Public Access, Recreation, and Safety .....	13
E. Landscaping.....	17
F. Water Quality/Erosion.....	19
1. Water Quality .....	19
2. Erosion .....	20
3. Conclusion.....	20
6. California Environmental Quality Act (CEQA).....	20
7. Exhibits .....	



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 3

- Exhibit 1: Project Vicinity Map
- Exhibit 2: Project Map
- Exhibit 3: Management Plan Condition
- Exhibit 4: City's LCP/General Plan Letter
- Exhibit 5: City's Conditions of Approval
- Exhibit 6: Parking Areas
- Exhibit 7: City's Resolution
- Exhibit 8: Native Bluff Plant List
- Exhibit 9: California Pest Plant List
- Exhibits 10-14: Correspondence

### 1. PROJECT PROCEDURAL HISTORY

The City Council of Santa Cruz approved the project on September 18, 2001, subject to multiple conditions. The West Cliff Drive Owners' Association, Mr. Aldo Giacchino, and Mr. John Walker appealed this approval to the Coastal Commission. The Applicant provided a 49-day waiver on October 17, 2001. On February 6, 2003, the Commission held the substantial issue hearing on the project and found that the appeals raised a substantial issue in terms of the project's consistency with the City of Santa Cruz LCP. As a result, the Commission took jurisdiction over the coastal development permit (CDP) for the project.

### 2. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT

#### PERMIT

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-3-STC-01-099 for the development as conditioned by this recommendation.*

#### **STAFF RECOMMENDATION OF ADOPTION:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of a coastal development permit, as conditioned in this recommendation, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE COASTAL DEVELOPMENT PERMIT:**

The Commission hereby approves the coastal development permit on the grounds that, as conditioned, the development will be in conformity with the policies of the City of Santa Cruz Local Coastal Program, and is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of the California Coastal Act of 1976 (Coastal Act). Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have



California Coastal Commission

been incorporated to substantially lessen any significant adverse effects of the development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the development on the environment.

### 3. CONDITIONS OF APPROVAL

#### A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### B. Special Conditions

1. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Santa Cruz pursuant to an authority other than the Coastal Act.
2. **West Cliff Drive Integrated Management Plan. PRIOR TO JANUARY 1, 2007,** the City shall submit a West Cliff Drive Integrated Management Plan (as part of the General Plan/LCP update or independently as an LCP amendment) for Commission review and certification. The Management Plan will provide updated policies for future public development along West Cliff Drive that balance a number of objectives including, but not limited to, protecting beach access, maximizing public access and recreation along the multiuse path, drainage and water quality, landscaping, biological resources, and responses to shoreline erosion. The City shall also submit two reports (the first due by May 2004, the second due by May 2005) detailing the progress made thus far toward development of the Management Plan.



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 5

3. **Interim Shoreline Erosion Management Strategy.** **BY NOVEMBER 15, 2003**, the City shall submit to the Executive Director for review and approval an interim shoreline erosion management strategy for the West Cliff Drive recreational path. The purpose of this strategy is to avoid emergency shoreline response to the maximum extent possible. The strategy shall include the following: (1) identification of the areas along West Cliff Drive where shoreline erosion or other shoreline hazards may cause a threat to the structural stability of the West Cliff Drive path, associated improvements, or other public infrastructure **within the next five years**; (2) for those areas identified pursuant to section (1) of this condition, a preliminary evaluation of possible alternative responses to such erosion, including assessment of shoreline retreat (i.e. relocation of structures in danger from erosion) and alternative shoreline structure designs to minimize impacts to coastal resources. The analysis of structural alternatives shall include evaluation of the technical feasibility of using vertical seawalls, including structures that are contoured, textured, and otherwise designed to mimic the surrounding cliff face; (3) a preliminary analysis of mitigation measures for anticipated impacts of structural alternatives (e.g. beach area covered); and (4) discussion of potential funding sources for identified potential shoreline erosion responses.
4. **Monarch Butterflies.** Construction shall be staged such that traffic detours on Pelton Avenue will not take place during the months that monarch butterflies are overwintering at Lighthouse Field, i.e. between October 15<sup>th</sup> and February 28<sup>th</sup>.
5. **Bird Surveys.** **PRIOR TO CONSTRUCTION OF EACH PROJECT SECTION (for any construction undertaken between mid-April and September 1st)**, the City shall submit to the Executive Director for review and approval a pigeon guillemot and black swift nesting bird survey of the adjacent coastal bluffs and caves for each project section, performed by a qualified wildlife biologist. If the survey determines the presence of nesting birds, construction in that project section shall be delayed until after the nesting season *or* if construction occurs during the nesting season: 1) the City shall maintain a minimum 1,000-foot construction setback from the nesting sites for construction activities that involve curb, asphalt, or concrete removal and compaction activities, until the nesting season is completed, and; 2) the City shall maintain a 200-foot construction setback from nesting sites during concrete form construction activities, insertion of new sediment and grease traps, and repaving activities, until the nesting season is completed.
6. **Parking.** **PRIOR TO CONSTRUCTION**, the City shall submit a parking plan to the Executive Director for review and approval. This parking plan shall show all the inland street-side parking areas that will be retained in the project, consistent with those areas shown in Exhibit 6. For each section of the project in which inland street-side parking spaces exist, the City shall mark the parking spaces in these areas with “parking T’s” prior to completion of construction of each section of the project.
7. **Landscaping Plan.** **PRIOR TO CONSTRUCTION**, the City shall submit a landscaping plan to the Executive Director for review and approval. The landscaping plan shall apply to all the landscaped areas (landscaped strips or landscaped islands) impacted (either partially or totally) by the path-widening project. The landscaping plan shall include removal of all invasive plants (e.g., ice plant)



California Coastal Commission

currently located in the impacted landscaped areas. The landscaping plan shall provide for planting of non-invasive drought-tolerant plants appropriate to the coastal bluff location. No plants from the *California Exotic Pest Plant Council's Exotic Pest Plants of Greatest Ecological Concern in California* list (see Exhibit 9) may be used in the landscaping plan. The City shall maintain the landscaped areas for the life of the project.

## 4. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### A. Project Location

The project site is the existing 2.5-mile West Cliff Drive multiuse path between Bay Street and Swanton Boulevard (see Exhibits 1 and 2 for location maps). The project site is located adjacent to West Cliff Drive within the existing road pavement and right-of-way, and within a residential and coastal recreational area.

A portion of the project site is located within a general Monarch butterfly habitat area designated in the City's General Plan/Local Coastal Program on Map EQ-9. The project site is adjacent to cliffs used as nesting sites by pigeon guillemots and black swifts, also shown on Map EQ-9. These three species are designated as sensitive species in the City's LCP.

### B. Project Description

The project consists of widening the existing 8-to-12-foot wide multiuse path along the south side of West Cliff Drive between Bay Street and Swanton Boulevard for a total distance of approximately 13,500 linear feet (about 2.5 miles – see Exhibit 2). The project would widen the path to 14 feet except in four areas (approximately 8% of the path's length) where the roadway would be reduced to less than 22 feet if the path were widened to 14 feet. In these areas the path would range in width from 10.5 feet to 13.5 feet. A portion of the path, approximately 1,300 linear feet in the vicinity of the Lighthouse, has already been widened to 14 feet and is not subject to further improvement as part of the approved project. The project will be constructed in two phases over a two-year period: Phase 1 from Bay Street to Woodrow Avenue (7,000 linear feet); Phase 2 from Woodrow Avenue to Swanton Boulevard (6,500 linear feet) (see Exhibit 2 for location map of phases). The proposed path widening would be constructed in several small stages within each phase to minimize recreational and vehicular traffic impacts.

Widening of the path into the existing road right of way will reduce the width of West Cliff Drive from the existing width of 23-40 feet to 22-36 feet. The road width would be reduced to 22 feet for approximately 8% of its length. One lane in each direction will be maintained. The width of the majority of West Cliff Drive will be in the 24-foot range.

Construction of the project includes the following:



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 7

1. Removal of existing curb, gutter, and catch basins;
2. Construction of new curb, gutter, and installation of new catch basins;
3. Raising the widened portion of the path to match the elevation of the existing path;
4. Paving a level course on the newly raised portion of the path;
5. Repair of the existing path, header boards and erosion problems;
6. Paving the full width of the path.

### C. City Approval

The City of Santa Cruz created an 11-member West Cliff Drive Task Force in March 1997 to study the issues and problems surrounding the West Cliff Drive pathway, which is a 2.5-mile multiuse path on the seaward side of West Cliff Drive. The Task Force presented the City Council with recommendations in January 1998 that included widening the path to 16 feet wherever possible and reducing the roadway width along West Cliff Drive to 20 feet to slow motor vehicle speeds. Due to concerns from residents and the Fire Department regarding the 20-foot road width, the project was modified to include a 14-foot path width and road narrowing to 22 feet in several locations. An Initial Study was completed for the proposed project on May 24, 2001. The Zoning Administrator adopted the Mitigated Negative Declaration and approved the Design and Coastal Permits on August 1, 2001. The West Cliff Drive Owners' Association appealed the Zoning Administrator's approval to the City Council on August 9, 2001. On September 18, 2001, the City Council approved the path-widening project, without change to the conditions placed on the project at the Zoning Administrator level.

## 5. COASTAL DEVELOPMENT PERMIT DETERMINATION

### A. West Cliff Drive Management Plan

LCP Parks and Recreation Policy 1.7.6 requires development of a West Cliff Drive integrated plan and states:

*Develop and implement an integrated design, land use, recreation, cliff stabilization, and landscaping plan for West Cliff and East Cliff Drives to enhance public access, safety and recreational enjoyment in these areas.*

- *Create a continuous pathway along the coast by enhancing physical linkages between West Cliff and East Cliff Drives and the Beach Promenade*
- *Lay out criteria for maintaining riprap, protection of paleontological resources and bird nests, and trail maintenance*
- *Monitor the beach profile and recreational use of beaches to obtain baseline information for analyzing riprap proposals and their recreational impacts and establish criteria for a maximum permitted coverage of sandy beaches by seawalls*
- *Analyze facilities and the need for additional or rehabilitation of existing lighting, restrooms, drinking fountains, artistic and landscape enhancements, benches, bike parking, directional and interpretive signs, accessways, stairways, overlooks, and improved safety proposals*



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 8

- *Develop design criteria for shoreline structures (e.g., minimize amount of material and coverage; emphasize use of non-glare, non-reflective, natural or natural-appearing materials, incorporation of access facilities)*
- *Ensure continued monitoring of and possible remedial work for wastewater outfall protective rock (pursuant to Moffatt and Nichol's "Santa Cruz Outfall Monitoring Program")*
- *Develop locational and non-point source pollutant criteria for dealing with drainage discharges*
- *Examine the feasibility of periodic street closure or limiting vehicular access along the length of West Cliff Drive and consider opening up West Cliff Drive between Washington and Beach Streets to bicycles and pedestrians only.*

Consistent with LCP Parks and Recreation Policy 1.7.6, the Commission previously required submission of a West Cliff Drive integrated plan as part of permit condition compliance. In 1998, the City applied for permit 3-90-111-A2 to construct engineered armor stone (riprap) revetments at two locations on West Cliff Drive. Special Condition #5 of that permit required the City to submit to the Commission for review and approval a West Cliff Drive Integrated Development and Management Plan (Plan), consistent with Parks and Recreation Policy 1.7.6 (see Exhibit 3 for the full text of Special Condition #5). The Plan was to be submitted within two years of approval of permit 3-90-111-A2 (i.e., by 6/8/00). At the time of this staff report, the Plan had not been submitted to the Commission. Thus, the permit condition has not been fulfilled and the City is in violation of CDP 3-90-111-A2.

The purpose of Parks and Recreation Policy 1.7.6 is to develop a plan that analyzes West Cliff Drive regarding the variety of issues that affect the area, including shoreline erosion and restoration, drainage and water quality, public facilities, public access and recreation, biological resources, landscaping, etc. An integrated management plan would identify and analyze the existing conditions along West Cliff Drive including areas highly subject to erosion, identification of the full right-of-way and options for its use, areas where existing riprap potentially could be replaced by contoured and textured vertical seawalls, etc. An integrated management plan would address the concerns and issues on West Cliff Drive in a comprehensive manner. In particular, such a plan would provide a framework for future public development along West Cliff Drive that balances the objectives of protecting beach access, maximizing public access along the multiuse path, responding to shoreline erosion, and so forth.

The City submitted a draft West Cliff Drive Integrated Management and Development Plan in April 2002, to Commission staff. The Plan presented in one document the various land use, design, recreation, circulation, environmental quality, coastal erosion and safety policies and standards in the current LCP that are particularly important in protecting and managing West Cliff Drive coastal resources and public access features. The Plan contained additional background information not present in the certified LCP; however, the Plan did not contain any comprehensive statement of objectives, new analysis, or new policies regarding the important issues discussed above.



California Coastal Commission



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 9

City staff and Commission staff have since met on several occasions (including at West Cliff Drive) to further discuss the issues and additional types of policies Commission staff would like to see in the Plan. Most recently, staff has received a letter from Planning Director Eugene Arner stating that a progress report on the draft Plan will be submitted to the Commission in April 2003 and that the City plans to include the Plan in its General Plan/LCP update, which the City is currently undertaking (see Exhibit 4).

LCP Parks and Recreation Policy 1.7.6 does not require completion of the Plan prior to new development on West Cliff Drive. Also, regarding condition compliance for coastal development permit 3-90-111-A2, the City has begun to diligently pursue completion of an integrated Plan for West Cliff Drive, and will include the Plan in its General Plan/LCP update in the next several years. In conversation with City planning staff, completion of the General Plan/LCP update is tentatively scheduled for 2006. Special Condition #2 requires that the City submit the required West Cliff Drive Integrated Management Plan, either as an individual plan as an amendment to the LCP or as part of the entire LCP/GP update, by January 1, 2007. As conditioned, the project is consistent with Parks and Recreation policy 1.7.6 of the certified City of Santa Cruz LCP regarding development of an integrated plan for West Cliff Drive.

### B . H a z a r d s

Applicable City of Santa Cruz LCP policies regarding hazards and development along coastal bluffs and beaches include:

**Land Use Policy 3.5.1:** *Protect coastal bluffs and beaches from intrusion by non-recreational structures and incompatible uses and along the shoreline require new development or remodeling to be sited and designed so as to avoid a “wall” of buildings.*

**LU Policy 4.4:** *Public works projects (including new roads, wastewater facilities and water facilities) in any area within the City (including the Coastal Zone) will be subject to the same land use policies as private development.*

**Community Design Policy 2.2:** *Preserve important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them.*

**Safety Policy 1.2:** *Mitigate hazards posed by cliff retreat.*

**Safety Policy 1.2.2:** *Require site-specific geologic investigations for all development within 100 feet of existing coastal bluffs.*

**Safety Policy 1.2.3:** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

**Environmental Quality Policy 4.1.3:** *Require coastal protective structures, signs, and public facilities to be sensitive to the natural setting and minimize alteration of the natural shoreline.*



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 10

The City of Santa Cruz has constructed shoreline protective structures along West Cliff Drive since the 1960's. Severe winter storms of 1977-78, 1979-80, and 1982-83 resulted in significant erosion damage. In the early 1990's, eight revetments were reconstructed and expanded and, in a major erosion control effort, the City constructed seven new rock revetments (CDPs 3-90-111 and 3-90-111-A1). In 1997-98, heavy rain and storm waves again eroded away large sections of bluff in several locations along West Cliff Drive and the City constructed two additional revetments in these areas (CDP 3-90-111-A2). After the severe storms of December 2002 caused additional bluff erosion that damaged the multiuse path, the City was granted an emergency permit to armor an area of the eroding unstable bluff with seven tons of riprap (CDP 3-03-004-G).

City of Santa Cruz Public Works staff state that the expected life of the path-widening project is 25 years. Given the amount of bluff erosion that has regularly occurred along West Cliff Drive since the 1970's, it is reasonable to expect that additional significant shoreline erosion will occur in the next 25 years, or over the life of the project. LCP Safety Policy 1.2.3 allows for development of shoreline protective devices to protect existing structures, such as the multiuse path. In recent years, the primary response to shoreline erosion along West Cliff Drive has been the installation of riprap, often done as the result of an emergency situation. The incremental installation of riprap has numerous ill effects on a number of coastal issues: Riprap covers pocket beaches (inconsistent with Land Use Policy 3.5.1), is visually and aesthetically unattractive (inconsistent with Community Design Policy 2.2), and is insensitive to the natural setting and does not minimize alteration of the natural shoreline (inconsistent with Environmental Quality Policy 4.1.3). In addition, riprap harbors garbage and rats, and may inhibit public access to remaining beach areas due to difficulties in traversing the riprap.

Ideally, the response to shoreline erosion along West Cliff Drive would not be driven by emergencies; instead, a comprehensive plan would be in place that would include evaluation of the areas most likely to erode in the near future, as well as an alternatives analysis of possible responses to shoreline erosion, with the emphasis on preserving pocket beaches and maintaining visual aesthetics along this beautiful and highly accessed part of the coast.

As stated above in Finding A, the City will be completing the West Cliff Drive Integrated Management Plan (Plan) as part of the City's LCP/General Plan update, which will not be completed for another three to four years. The Plan will include a section on shoreline erosion management that will contain new policies regarding shoreline erosion response and shoreline restoration. Erosion along West Cliff Drive, however, will continue during the years before the Plan is completed. Therefore, in order to protect the multiuse path and West Cliff Drive, and in order to avoid emergency responses to erosion in order to maximize protection of other coastal resources, Special Condition #3 of this permit requires development of an interim shoreline erosion management strategy for West Cliff Drive. This erosion management strategy will require the City to identify the areas along West Cliff Drive that are most likely to erode within the next five years and threaten the multiuse path and other infrastructure. In addition, the City will evaluate a range of alternative responses to shoreline erosion in these identified areas, including a no structure alternative for areas where it may be possible to move the path and other infrastructure inland, as well as structural alternatives, including the construction of vertical seawalls that are contoured and textured to mimic the surrounding cliff face. The interim strategy will also identify likely mitigation issues



California Coastal Commission

for potential structural development, as well as discuss possible funding sources for possible shoreline structure projects. The Commission recognizes that the placement of riprap as a response to erosion is often cost effective, but it should be the least preferable option for the many reasons stated above. In general, it should only be allowed if an independent geologic investigation (as required by Safety Policy 1.2.2) determines that riprap is the only structurally feasible alternative. The condition to develop an interim shoreline erosion response strategy will provide the mechanism to avoid, to the maximum extent practicable, emergency responses, as well as maximize the potential for alternatives that minimize impacts to coastal resources while protecting an important public access resource. As conditioned, the project is consistent with the Land Use, Environmental Quality, Community Design, and Safety policies of the certified City of Santa Cruz LCP regarding development of shoreline protective structures in response to hazards.

## C. Biological Resources

Applicable City of Santa Cruz LCP policies regarding protection of natural vegetation communities and wildlife habitats are as follows:

**Environmental Quality Policy 4.1.2:** *Preserve the habitat of and minimize disturbance to seabird rookeries and roosting areas along the coastline.*

**Environmental Quality Policy 4.5:** *Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9).*

**Environmental Quality Policy 4.5.3:** *Protect monarch butterfly overwintering sites and ensure adequate buffering of these sites from development.*

**Environmental Quality Policy 4.5.3.2:** *Require development in the vicinity of designated monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria such as:*

*Prohibiting the cutting, thinning, pruning or removal of any tree or shrub (especially nectar plants used by monarchs) except as necessary for safety of homes or persons and requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when monarchs are not present; and keeping smoke from infiltrating monarch roosting sites.*

**Environmental Quality Policy 4.5.4:** *Preserve Black Swift and Pigeon Guillemot habitat by monitoring the effects of erosion repair work along West Cliff Drive and timing construction in areas near these habitats to avoid disturbing them during the nesting season, ensuring that no significant adverse impact occurs.*



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 12

The project site is located within a general monarch butterfly habitat area designated in the City's General Plan/LCP. Monarch butterflies use a eucalyptus grove at Lighthouse Field on Pelton Avenue (which intersects with West Cliff Drive) as an overwintering roosting site. Pelton Avenue will be used as a detour during a portion of the project's construction. This will result in substantially increased traffic on Pelton Avenue in the vicinity of the monarch butterfly roosting area (from approximately 800 vehicles per day to an estimated 7,000 vehicles per day). The additional traffic on Pelton Avenue could adversely affect monarch butterflies that are roosting at Lighthouse Field by contributing to increased mortality of monarch butterflies stranded on the roadway by cold temperatures and storm winds during the fall and winter. Thus, the City conditioned its approval to require that construction be staged to avoid detours down Pelton Avenue during the late fall and winter months (see Exhibit 5, Condition #17). The City, however, would allow detours to take place down Pelton Avenue until October 31<sup>st</sup>. According to a recent study of the monarch butterfly overwintering site at Lighthouse Field<sup>1</sup>, by October 25, 2001 the monarch butterfly population at Lighthouse Field had already reached 3,300 individuals. Commission staff also consulted with a local monarch butterfly expert (John Dayton) who stated that there could be an impact to butterflies (due to traffic mortality) if the detour is allowed to take place until the end of October because by that time the monarch butterfly population is well along towards its peak winter population. Therefore, it was recommended that the detour be completed no later than October 15th. For these reasons, Special Condition #4 is needed to ensure that the detour down Pelton Avenue does not take place between October 15<sup>th</sup> and February 28<sup>th</sup>. With this condition, the project is consistent with the Environmental Quality policies of the certified LCP regarding protection of monarch butterflies.

The LCP defines black swifts and pigeon guillemots as sensitive species. Sensitive species are those species that rely on specific habitat conditions that are limited in abundance, restricted in distribution, or are particularly sensitive to development. The project site is located within a general black swift and pigeon guillemot habitat, as shown on Map EQ-9 in the City's LCP. These birds use coastal bluffs and caves for habitat. Black swifts are a California species of special concern. The local breeding population is present from late May to September. Black swifts are sensitive to disturbance during the nest building, egg laying, and incubation phases of the nesting cycle, which locally spans from late May to early July. Pigeon guillemots are fairly common along rocky shores. This species nests in cliff crevices with a breeding season from mid-April through August. Originally, the City planned to complete the path widening between September and November, outside both bird species' nesting season. Thus, the City did not condition its approval to require protections for these bird species. However, the City now proposes to do some of the work in the spring and summer, which could affect these species. Thus, Special Condition #5 is needed. This condition will require that surveys for pigeon guillemots and black swifts be done prior to any construction work done between mid-April and September 1st. If the surveys determine the presence of pigeon guillemots or black swifts, then completion of the path widening in that project section will not commence until the nesting season is complete *or* the City will maintain minimum specific construction setbacks from the nesting sites, depending on the type of construction activity. With this condition, the project is consistent with Environmental Quality Policies 4.1.2, 4.5, and 4.5.4 regarding protection of sensitive species.

---

<sup>1</sup> Leong, K.L.H. 2002. Lighthouse Field State Beach Monarch Butterfly Overwintering Site, First Year Study, Winter 2001-2002. Internal Report. 44 p.



In conclusion, this approval is conditioned such that detour traffic down Pelton Avenue will not be allowed during the monarch butterflies' overwintering period, from October 15<sup>th</sup> through February 28<sup>th</sup>. In addition, surveys will be performed for black swifts and pigeon guillemots prior to construction of each section of the project. If nesting birds are found, substantial construction setbacks from the nesting sites will be required. Therefore, as conditioned, the project is consistent with the Environmental Quality policies of the certified City of Santa Cruz LCP regarding protection of biological resources.

## D. Public Access, Recreation, and Safety

Applicable Coastal Act Public Access policies include:

**Coastal Act Section 30210:** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Coastal Act Section 30213 (in part):** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Applicable City of Santa Cruz LCP policies regarding public access, recreation, and safety include:

**LCP Parks and Recreation Policy 1.7:** *Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principles, safety, and rights of private property owners.*

**LCP Parks and Recreation Policy 1.7.1:** *Maintain and enhance vehicular, transit, bicycling, and pedestrian access to coastal recreation areas and points.*

**Zoning Ordinance Section 24.08.400:** *The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community...*

**Zoning Ordinance Section 24.08.430(7):** *The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.*

**Land Use Policy 3.5:** *Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.*

**Land Use Policy 3.5.3:** *Require new development and public works projects to provide public access*



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 14

*from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, protection of fragile coastal resources, or where adequate access exists nearby.*

**Land Use Policy 3.5.4:** *Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or overuse by the public of any single area.*

**Land Use Policy 3.5.5:** *Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.*

**Land Use Policy 5.3.5:** *Ensure that visitor-serving facilities are arranged and developed in a compact, integrated manner to reduce automobile circulation and emphasize pedestrian movement.*

**Land Use Policy 5.6:** *Require land use development to integrate into the larger circulation system by interconnecting its system of roads, pedestrian and bike paths with existing facilities and also design access to nearby areas in a manner that minimizes the necessity for automobile travel and potential automobile and pedestrian/bike conflicts.*

West Cliff Drive consists of a 2.5-mile stretch of two-lane roadway directly adjacent to the bluffs above the Pacific Ocean (see Exhibit 2). Residential use is found on the inland side of West Cliff Drive, with only one house located on the bluff side. Highlights along West Cliff Drive include the Steamer's Lane surfing area, the Mark Abbott Memorial Lighthouse, Lighthouse State Beach, and the multiuse path. West Cliff Drive draws tourists and locals alike for the natural beauty of the coastline and the variety of public recreation and access amenities found along this stretch of the coast. The popularity of the multiuse path has created conflict among its many users due to its relatively narrow width, which varies from 8 to 12 feet.

The approved project would increase the width of the path to 14 feet, except where the roadway would be reduced to less than 22 feet. The path will be between 10 ½ and 13 ½ feet in four areas, with an accompanying road width of 22 feet. Areas of reduced path width and 22-foot road width account for approximately 8% of the project's length.

The LCP contains a number of policies to provide for enhancement of public access and recreation. For example, LCP Parks and Recreation Policy 1.7.1 requires the maintenance and enhancement of vehicular, transit, bicycling, and pedestrian access to the coast. LCP Land Use Policies 3.5 and 3.5.5 call for enhancing and maximizing public access to coastal recreation areas. Regarding safety, LCP Parks and Recreation Policy 1.7 requires maximization of public access along the coastline consistent with safety. LCP Land Use Policy 5.6 requires that access be designed to minimize potential automobile and pedestrian/bike conflicts.

The approved project does not provide separation of bicyclists and pedestrians on the path. The LCP, however, does not require separation of users on multiuse paths nor does it require any specific widths for multiuse paths. In addition, the California Highway Design Manual does not provide specific standards for widths of paths that allow for separation of bicyclists and pedestrians, but does recommend physical



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 15

separation where possible. Some locales, such as Monterey, have developed 16-foot wide separated paths (10 feet for bicyclists (five feet in each direction, which is consistent with the Highway Design Manual's Class II Bikeway standards) and 6 feet for pedestrians) with different path materials for bicyclists (asphalt) and pedestrians (decomposed granite). City of Santa Cruz Public Works staff states that there is insufficient room along the West Cliff Drive path to adequately physically separate the different types of users, especially given the four "pinch points" where the path must narrow down to below 14 feet due to bluff and street-width constraints. One option that would allow for a larger path with separated users would be to reconfigure West Cliff Drive into a one-way street. The City, however, rejected this option because of concerns expressed by recreational users of West Cliff Drive and residents of the neighborhoods surrounding West Cliff Drive regarding limits to their access.

The City also considered reducing the road width to 10 feet per lane, for a total of 20 feet, which is the minimum road width allowable under American Association of Highway and Transportation Officials (AASHTO) guidelines. This would allow a 16-foot wide path for the majority of the path's length, which would potentially allow for physical separation between bicyclists and pedestrians for most of the path's length. West Cliff Drive, however, is a Designated Fire Access Route in Santa Cruz. The City's Fire Chief expressed concern to the City regarding the Fire Department's ability to respond effectively to emergencies if the road was reduced in width to 20 feet. The City's Fire Chief states that the 14-foot-wide path, which allows for a minimum street width of 22 feet, has mitigated the Fire Department's concern in this regard.

As stated above, a number of LCP policies provide for the enhancement of public access and recreation along the coastline. During the summer months and on weekends the existing multiuse path is often crowded, especially in certain areas, such as between Bay Street and the Lighthouse. The addition of two to six feet in width of the multiuse path will enhance the experience for recreational users of the path by allowing more room for path users, consistent with Parks and Recreation and Land Use policies requiring enhancement of recreation and public access.

LCP Parks and Recreation Policy 1.7, Zoning Ordinance 24.08.400, and Land Use Policy 3.5.3 require that new development, including public access and recreational development, provide for public safety and minimize potential automobile and pedestrian/bike conflicts. Widening of the path will improve safety because of the additional area that will be available to path users. Regarding commuter and other fast-moving bicyclists along West Cliff Drive, the option of dedicated bike lanes on West Cliff Drive to accommodate fast-moving commuting bicyclists (as opposed to slower moving recreational bicyclists that use the path) would require a minimum of 10 feet of width for the bike lanes (5 feet in each direction). To do so would require a combination of widening the road, narrowing the multiuse path, and removing parking, or possibly making West Cliff Drive a one-way street. The project is designed primarily to improve recreational access, and not to provide a commute corridor for bicyclists. The width of West Cliff Drive under the project will range from 22 feet to 36 feet. The road will be reduced in width to 22 feet for 8% of its length. The majority of West Cliff Drive will be in the 24-foot-wide range or greater, which generally should be adequate for fast-moving bicyclists to share with motor vehicles. Fast-moving commuting bicyclists also have the option of using Delaware Avenue, a wide street located nearby, instead of West Cliff Drive (see Exhibit 2). Given the high use of the path by both pedestrians and



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 16

recreational bicyclists, it is doubtful that many high-speed commuting or racing bicyclists will use the path because they will need to slow down to avoid the many recreational users on the path. In any event, the wider path will be an improvement over the existing path in terms of providing more room which should lessen recreational user conflicts, especially in locations where the path is only eight feet wide currently. Thus the project is consistent with the Parks and Recreation and Land Use Policies of the LUP regarding safety.

Motor vehicle drivers on West Cliff Drive will be somewhat affected because of the narrowed road width and passing bicyclists. However, the minimum road width of 22 feet (for 8% of the length of West Cliff Drive) is two feet greater than the minimum allowed by AASHTO. In addition, a narrower road width will have the effect of slowing traffic, which should increase safety and recreational enjoyment. Also, it is the responsibility of drivers to drive with care and adhere to the speed limit (25 mph on West Cliff Drive) and give the right-of-way to pedestrians and bicyclists. Finally, Delaware Avenue is also an attractive option for motorists looking for a faster way through this section of Santa Cruz, rather than the slower paced, scenic drive offered by West Cliff Drive.

Currently, there are a number of sections along the inland side of West Cliff Drive that provide unmarked street-side parallel parking for visitor use. Parking is also available in parking bays along West Cliff Drive, as well as along the many side streets that intersect with West Cliff Drive. Per the City's staff report and according to Chris Schneider, Assistant Director of Public Works, there will be no loss of parking along West Cliff Drive due to widening of the path and narrowing of the road. The number of spaces at parking bays as well as the number of parallel parking spaces along West Cliff Drive will not be reduced. The project plans clearly show that all the parking spaces in the existing parking bays will be retained. Street-side parallel parking, however, is not shown on the plans. To ensure that the currently available street-side parallel parking is retained, Special Condition #6 requires that the City submit a parking plan that details all inland street-side parking that will be retained in the project, consistent with the currently allowable inland street-side parking shown in Exhibit 6. In addition, this condition requires the City to mark these parking spaces such that it is clear to the public that parking is allowable in these areas. With this condition, the project is consistent with the Parks and Recreation and Land Use Policies, as well as the Zoning Ordinance, of the City's LCP regarding protection of public access.

In conclusion, the widened multiuse path will provide more space for recreational users and should lessen user conflicts, consistent with the public access, recreation, and safety policies of the LCP. The width of West Cliff Drive will be reduced to 22 feet over only 8% of its length, which is two feet greater than that required under AASHTO guidelines. This width is acceptable to the City's Fire Department. The majority of the road will be 24 feet or greater in width, which generally should be adequate for fast-moving bicyclists. In addition, a narrower street should slow traffic, which will improve public safety. Also, as discussed above the project will increase and enhance public access along this popular route. Finally, Special Condition #6 requires the retention of all existing street-side parking. As conditioned, the project is consistent with the Parks and Recreation and Land Use Policies and Zoning Ordinance regulations of the certified City of Santa Cruz LCP regarding protection of public access, recreation, and safety. In addition, the project, as conditioned, is consistent with Coastal Act Sections 30210 and 30213 regarding maximization of public access and provision of lower cost visitor and recreational facilities,



California Coastal Commission



especially those providing public recreation opportunities.

## E . L a n d s c a p i n g

Applicable Coastal Act Public Access policies include:

**LCP Environmental Quality Policy 4.6:** *Encourage the planting and restoration of native rather than non-native vegetation throughout the City and also in areas where plants or habitats are diseased or degraded.*

**LCP Community Design Policy 2.2.1 (In part):** *Develop siting, scale, landscaping and other design guidelines to protect visually sensitive areas and ensure that development is compatible with the character of the area. Areas to be protected include...scenic coastal areas...*

**LCP CD Policy 5.2:** *Prepare and implement corridor plans for imageable paths addressing visitor-serving uses, high traffic volumes, pedestrian and bicycle access, building and parking siting and design, landscaping theme, undergrounding of utilities, commercial/residential transition, comprehensive signs and other amenities.*

**LCP CD Policy 6.2.4:** *Develop and adopt a landscape ordinance for new and rehabilitated landscaping with specific irrigation designs, planting and maintenance plans emphasizing unity, aesthetics, water efficiency and stressing the planting of a diversity of native, drought-resistant species.*

- *Compose a list of recommended landscaping species that are native, drought tolerant and have forage value for wildlife.*
- *Compose a list of noxious and invasive species and educate the public about their disadvantages.*
- *Make drought resistant trees and native species a part of the Master Street Tree List.*

**LCP Parks and Recreation Policy 1.4.6:** *Implement long-term use and landscape plans for West Cliff and East Cliff Drives (See policy PR 1.7.6).*

**LCP Parks and Recreation Policy 1.9.3:** *Where feasible, plant species that are native, drought-resistant and may be best suited for providing cover and food sources for wildlife and, where appropriate, provide educational signs about water conservation practices and plantings.*

**LCP Land Use Policy 4.4:** *Public works projects (including new roads, wastewater facilities and water facilities) in any area within the City (including the Coastal Zone) will be subject to the same land use policies as private development.*

**LCP Economic Development Policy 5.6.4:** *Improve visual appearance of visitor routes and entrances to the City.*



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 18

Landscaped areas along the seaward side of West Cliff Drive consist of landscaping strips/islands located between West Cliff Drive and the multiuse path, large and relatively flat bluff top areas on the seaward side of the path, and lawn areas adjacent to the Lighthouse/Surf museum. Between Bay Street and the Lighthouse (which is the heaviest used portion of the path) most of the strips/islands are landscaped with attractive drought tolerant, noninvasive plants such as sages and sea lavender. Once past the Lighthouse, however, virtually all the landscaping, whether in landscaped strips/islands or along the bluff top, consists of ice plant (*Carpobrotus edulis*). The California Exotic Pest Plant Council describes this species of *Carpobrotus* as belonging to *List A-1: Most Invasive Wildland Pest Plants; Widespread* (see Exhibit 9, pg. 1).

As described above, except for one small section near the Lighthouse, the path will be widened by extending the width of the sidewalk in the direction of the West Cliff Drive roadway. Where there is a strip or island between the path and the roadway, the path will be widened into the landscaped area. In general, landscaping along the large bluff top areas will not be impacted by the project.

Other than provisions protecting existing trees along the path, the City's conditions of approval (see Exhibit 5) do not include any requirements for landscaping. A resolution regarding the project, passed and adopted by the City Council, included findings that provided for development and implementation of a landscaping plan by the Parks and Recreation Department after the path-widening project is completed (see Exhibit 7). No specific date for completion of these tasks was included, however.

As discussed above, West Cliff Drive draws tourists and locals alike for the natural beauty of the coastline and the variety of public recreation and access amenities found along this stretch of the coast. Currently the landscaping along the majority of the multiuse path consists of invasive ice plant. LCP Community Design Policy 6.2.4 encourages, but does not absolutely require, the planting of a diversity of native, drought-tolerant species and discourages the use of invasive species, such as ice plant. In addition, LCP Community Design Policy 5.2 requires the preparation and implementation of corridor plans (including landscaping themes) for paths that address visitor-serving uses, such as West Cliff Drive and the multiuse path. LCP Economic Development Policy 5.6.4 calls for improving the visual appearance of visitor routes, such as West Cliff Drive, in the City. Given the importance of West Cliff Drive to the City, to tourists, and to locals, the path widening is an opportune time to provide for additional landscaping consistent with the requirements of the LCP.

The larger bluff top areas will not be affected by the path widening; thus, this approval does not require these areas to be re-landscaped as part of the path-widening project. Future development of the West Cliff Drive Integrated Management Plan, however, will need to provide for noninvasive, drought-tolerant, preferably native landscaping along the bluff top areas. Widening of the path *will* impact numerous landscaped islands/strips, which are primarily landscaped with nonnative, invasive ice plant at this time. Special Condition #7 requires that any landscaped strip/island impacted by the path-widening project shall be re-landscaped in its entirety with noninvasive, drought tolerant species, preferably native species (see Exhibit 8 for a bluff top native species list). Because the LCP does not expressly require only native landscaping and because the multiuse path is located in an urbanized residential area, nonnative species may be used as long as they are noninvasive and drought-tolerant. The City will avoid using any species listed on the California Exotic Pest Plant Council's *Exotic Pest Plants of Greatest Ecological Concern*



California Coastal Commission

*in California* (see Exhibit 9). In addition, this approval is conditioned to require that the City maintain the new landscaping for the life of the project. As conditioned, the project is consistent with the City's LCP policies regarding landscaping.

## F. Water Quality/Erosion

Applicable LCP policies regarding water quality and erosion include:

**Environmental Quality Policy 2.3.1:** *Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible.*

**Environmental Quality Policy 2.3.1.3:** *Require low-flow-velocity, vegetated open channels, area drains incorporating grease and sediment traps, groundwater recharge facilities and detention ponds directly connected to impervious areas.*

**Environmental Quality Policy 2.3.1.5:** *Ensure that all parking lots, roads, and other surface drainages that will flow directly into coastal waters have oil, grease, and silt traps.*

**Environmental Quality Policy 3.1:** *Require site design and erosion control measures in areas subject to erosion hazards or adjacent to streams and wetland areas to minimize grading activities and vegetation removal.*

**Environmental Quality Policy 3.1.2:** *Prohibit grading and earth disturbance during wet winter months and ensure that any grading or stockpiles are stabilized and revegetated (or covered) before winter months.*

**Environmental Quality Policy 3.1.3:** *Require an erosion control plan for all new projects located within or adjacent to erosion hazard areas, and for all development proposals involving slopes exceeding 10%.*

### 1. Water Quality

In general, the path will be widened by extending the width of the sidewalk in the direction of the West Cliff Drive roadway. Where there is a landscape strip between the path and the roadway, the path will be widened into the landscape strip. Where the path and roadway are adjacent (the majority of the project), the widening will involve moving the curb, which currently separates the existing path from the roadway, into the road, resulting in narrowing of the roadway and widening of the path.

The project includes a modest increase in impervious surface in those areas in which the widened path will extend into existing landscaping. The great majority of the path, however, will be widened directly into West Cliff Drive, which already consists of an impervious surface. Thus, the project will result in a minimal addition to the existing impervious surface of West Cliff Drive, consistent with Environmental Quality Policy 2.3.1. New gutters and new storm drain inserts with appropriate grease and sediment traps will be installed as part of the project, consistent with Environmental Quality policies 2.3.1.3 and 2.3.1.5.



## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 20

A geologic review was completed to evaluate the project with respect to geologic impacts and constraints. The geologic review also reviewed the drainage provisions of the project and determined that the drainage provisions in Phase I of the project plan will protect the sea cliff and adjacent areas from increased erosion or instability. In Phase II, specific drainage provisions will have to be developed for the several portions of the existing sidewalk that are below the grade of West Cliff Drive. Currently, the drainage sheet-flows toward the bluff top in this area. The geologic review recommends three possible options for these below-grade areas. Of these three, Commission water quality staff states that option #1 (which provides for sloping of the path toward the cliff in combination with erosion resistant planting strips along the seaward side of the path) is the preferable option, consistent with Environmental Quality Policy 2.3.1.3. City Public Works staff states that this is the option the City is planning to undertake in these below-grade areas (Pers. Comm. Chris Schneider, Assistant Director of Public Works).

### 2. Erosion

The geologic review concluded that the project would be exposed to potential instability due to sea cliff retreat and landsliding of the bluff during the project's lifetime, but that the project's exposure will be the same as that of the existing path. This seems a reasonable conclusion given that the path will be widened inland and away from the bluff top, except for a 150-foot section that will be extended approximately four feet towards the bluff top and will result in a path that is 30 to 95 feet from the bluff top edge. In any event, the City conditioned its approval to require an erosion control plan that includes erosion control measures on the outer edge of the bluff during construction and requiring that grading be done during periods of dry weather and prohibiting earth-moving activities between December 1<sup>st</sup> and March 1<sup>st</sup> (see Exhibit 5, conditions #12 and #14). These conditions provide consistency with Environmental Quality policies 3.1, 3.1.2, and 3.1.3.

### 3. Conclusion

In conclusion, the project will result in a minimal increase in impervious surface. The project includes the installation of grease and silt traps. The City conditioned its approval to require erosion control measures to protect the bluff top during construction and to prohibit grading during wet weather and during winter months. In areas where the widened path will be below the grade of West Cliff Drive, the drainage will be directed to vegetated, erosion resistant strips on the seaward side of the path. In light of all of the above, the project, as conditioned by the City, is consistent with the Environmental Quality policies of the certified City of Santa Cruz LCP regarding protection of water quality and prevention of erosion.

## 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.



California Coastal Commission

## Appeal A-3-STC-01-099 Staff Report

West Cliff Drive Multiuse Path Widening – De Novo Hearing

Page 21

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report, which is incorporated into this finding in its entirety, has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. All public comments that staff has received have been responded to in the staff report. Accordingly, the project is being approved subject to conditions, which implement the mitigating actions required of the Applicant, by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



California Coastal Commission